

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 22-1551 JGB (KKx)**Date **December 7, 2022**Title ***JTH Tax, LLC v. Leggat, et al.***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause (IN CHAMBER)**

On January 28, 2022, Plaintiff filed its complaint. (“Complaint,” Dkt. No. 1.) On September 1, 2022, the case was transferred to the Central District of California. (Dkt. No. 35.) On September 7, 2022, the case was assigned to this Court. (Dkt. No. 37.) Since then, there has been virtually no activity in this case.

Rule 41(b) of the Federal Rules of Civil Procedure grants the Court authority to *sua sponte* dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute his case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). Here, it appears that Plaintiff has failed to prosecute the case with reasonable diligence because his case has been dormant for months.

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed R. Civ. Proc. 12(a)(1). Here, it appears that one or more of these time periods has not been met.

Accordingly, the Court orders Plaintiff to show cause in writing no later than **December 16, 2022**, why this action should not be dismissed for failure to prosecute.

**IT IS SO ORDERED.**